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May 4, 2022

VIA ECF

Hon. Mark W. Pedersen
United States Magistrate Judge
United States District Court, W.D.N.Y.
100 State Street
Rochester, NY 14614

Re: *Eddie Garcia v. Lewis Tree Service, Inc.*, 21-cv-06393 (EAW)(MJP)

Dear Magistrate Pedersen:

We represent Defendant Lewis Tree Service, Inc. with regard to the above-captioned matter. We write in response to Plaintiff's letter requesting an extension of time of certain deadlines (ECF Doc. No. 30), and in opposition to Plaintiff's request to extend his time as relates to the date for amending the pleadings and joining parties.

As we advised counsel earlier today when he sought our consent to his request, although we do ordinarily consent to reasonable requests for extensions and could consent to his request as relates to an extension for providing Rule 26 initial disclosures, we could not consent to Plaintiff's request to extend the deadline for amending the pleadings or joining parties. As explained to counsel, Plaintiff has been on notice of the need to file a proper motion to amend since March 10, 2022 when Judge Wolford issued her decision on the Defendant's motion to dismiss, and the current May 6, 2022 deadline for amending pleadings and joining additional parties was just recently submitted to the Court as a mutually agreed upon date by all parties (see ECF Doc. No. 27) and was discussed and again agreed to by the parties during the Rule 16 conference conducted by Your Honor last week. If counsel had concerns about Plaintiff's ability to meet the May 6, 2022 deadline for amending the pleadings or joining parties, such concern should have been raised at that time. If an emergency or something unexpected has arisen since the Rule 16 conference, we would, of course, provide counsel with the courtesy of consent to a reasonable extension, however, no such thing has been communicated by counsel.

In light of the above, we are unable to consent to Plaintiff's request for an extension of the deadline for amending the pleadings or joining parties, and respectfully request that Plaintiff's request be denied. If, however, Your Honor deems it appropriate to grant Plaintiff's request, we ask that a more reasonable extension, such as a one week extension to May 13, 2022, be provided.

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Thank you for your consideration of this matter.

Respectfully submitted,

BOND, SCHOENECK & KING, PLLC

A handwritten signature in black ink, appearing to read 'J. Moller', written in a cursive style.

Jessica C. Moller

cc: Jonathan Shalom, Esq.